REMARKS

All objections are answered and claim changes made in response thereto are shown above. Receipt of the citation "Barefoot" is acknowledged. The claims are now fully statutorily definite. No claim changes need be made due to the existence of any prior art.

The specification and drawing changes are made to more fully denote the existing subject matter of here entered Fig. 22. The objected specification passage is fixed. The Abstract is edited to comply.

Claims 5, 14 and 20 are amended to objectively claim the split stands which were found to have been inadvertently overlooked. Claim 20 is further amended to objectively claim those unloaded and towed instant devices and cars specifically having truck configurations similar to that of tank cars --- As so are new entered Claims 21 and 22 (fee enclosed).

The specification on page 15 was amended to clarify the simultaneous use of the instant invention with railcars having differing truck placements. The recitation of the Figs prior to exposition of the Preferred Embodiment was amended to add explanation of the newly entered Fig. 22.

Applicant fully traverses any and all 102 rejections of any of the instant claims. The claims as written distinguish over the prior art. The prior art does NOT claim at least one BEARING AS DEFINED BY APPLICANT. It is a long-held fact that each inventor may define his words and elements as he and he alone desires. Upon page 7, lines 5-7 and 14-16 taken along with the Drawing, at least Fig. 6, the instant bearing is defined as either a ball bearing, roller bearing or a race of bearings - or other such items that reduces friction between parts. Teacherson's bearings reduce friction between parts. This is contrary to the Krause definition by 180 degrees. Krause's pancake {40} clearly defined by Krause as a "pivotable ... pancake" in Column 5, lines 1-24, does not roll, move or otherwise do anything but support the equivalent support plate 58A on its defined flat surface 44 with high friction and needing pin 54. Similarly contrary to Barefoot, Barefoot's element 42 is clearly delineated as a high friction "bowl

area 42". Neither bowl nor pinned pancake supports the railcar body as does the instant teaching. The instant invention defines the main railcar support as at least one bearing that encompasses, at least, "lazy susan bearings" and shows in the Drawing at least a ball bearing (Fig. 19) and/or the round profile of a roller bearing; i.e.: low friction devices. Prior art bowls and pancakes do not read on the instant teaching of low friction weight-bearing devices. --See also the instant specification as filed, page 9, lines 15, 16, page 15, line 26. Again neither Krause nor Barefoot provides any identical description at all and therefore, any and all 102 rejections are traversed without amendment.

Fig. 7 shows a flat Teflon bearing TP. Once again, the instant invention uses low friction weight-bearing devices as opposed to high friction ones. Could the instant subject bearing B use instead a flat Teflon pad as bearing B? Well, if it does, it would have to be a defined low friction flat B so that the cars and trucks could move relative to one another as well as to others in the train. Of course, low friction is a hallmark of the material Teflon. The prior art solidifies, if temporarily, the connection between car R and truck T by placing it inside a bowl or on a pancake requiring penetrating kingpins 54. The solid prior art connection can be broken only in the shop. The instant disclosure teaches away from the prior art. The instant car/truck connection can be broken not only in the railyard but also on a siding. Thus, instant claims also teach away from prior art claims.

The Teflon pad bearing TP substitutes for a wheel in Fig. 7. Can a wheel be used in place of bearing B? Well, if the wheel was mounted so that the car R can swing around it (or swing it around) as well as move fore and aft in relation to the trucks T, it would prove a suitable low friction substitute for the standard bearing B. It might even be preferable to have car R be able to move sideways so to minimize the pull between connected cars R through the articulating device. At minimum, the cars through swivel W need to swivel around the device (pivot around the wheel) as they go around curves. Remember that the specification teaches a method to prevent the car R from moving too far sideways such that it falls off of trucks T. Thus, low friction movement car vs.

truck is taught by the instant specification. Consequently, said teaching is completely contrary to existing railroad thought and practice. Hence, instant teaching is novel.

Low friction bearing, flat or otherwise is the bearing B.

The Krause and Barefoot flat weight bearing devices cause great friction between parts. This is good to hold parts in place, but they require a shop to separate. Contrarily, the instant invention uses bearings adapted for reducing friction and allowing separation and re-attachment in the railyard by yard workers. NO prior art so allows. It is the nature of ALL prior art structure that shop-based tooling is required in order to separate and reattach articulated cars.

Examiner's recitation of multiple pieces of "pertinent" art shows that none of the prior art ever even suggested apparatus and means for articulation without a shop. Neither did it objectively mention or suggest the low-friction-element support structure of the instant invention. That structure which is defined as a Bearing B.

The instant separable articulation is how even a train crew on a spur or siding with a hot box can uncouple, replace and re-couple all the cars of a freight train and leave the damaged device behind on the spur or siding, or tow it in behind the train unloaded. Thus, as the specification teaches, the paying freight may always move onward toward its destination. If the damaged separable articulation device derails behind the train, it should not cause a massive derailment of any of the cars of the train. Yet traveling without weight atop it, derailment is unlikely. This unloaded truck configuration is unavailable to the prior art.

M.P.E.P. 2144.04 (b): Elimination of a step or an element and the retaining of its function is an indicia of unobviousness. Both the Krause and the Barefoot flat pancake bowl support is eliminated in the instant invention.

M.P.E.P. 2144 page 2100-114, First col., middle, that "obviousness cannot be established without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done." *Ex*

parte Levengood rule "What would be the prior art's rationale to dispense with all their structure?"

Instant disclosure teaches the ability of the instant structure to allow as needed or as desired the full articulation of railcars IN THE YARD by ordinary workers using the instant bearing-support-plate structure. There is no prior art that so teaches. Examiner has provided none. Instant bearing simultaneously fully supports the car while allowing full articulation of cars. Barefoot's bowl and Krause's pancake WILL NOT PERFORM the instant function. It is fully incapable of so performing and neither provides "evidence of the motivating force" that would compel either Barefoot or Krause to dispense with his "bowl 42" high friction weight-bearing structure for supporting cars and go with the instantly taught low friction bearing in its stead. Why did Barefoot (Krause or any other inventor) feel need in the first place that car supports must be flat, high-friction structures if he or they all thought that a low-friction bearing such as taught by the instant structure would work? Where is that motivating force?

Contrary to all prior art, instant bearing structure, whether roller bearing, needle bearing, etc. etc. etc., allows the railcar body to be supported in instantly movable relation to the railcar trucks. This is taught nowhere else. Neither is it hinted at nor is there any motivating force requiring it or even alluding to it or claiming such a way of operation or producing such results as instantly taught.

The instant disclosure teaches the ability to back-engineer existing trucks to provide the instant novel separable articulation. To do so requires elimination of all flat high-friction bearings that now dominate EVERY truck. This is substantially different from any prior art. As was stated, TTX sells "packs" that come pre-articulated with the industry standard flat high friction prior art weight bearing structure and the requirement for a shop in order to change the number of cars in a pack. So where, exactly is the motivation to get rid of the industry standard high friction car bearing? The very latest railcars use old technology.

In fact in any prior art, why are railcars supported as they are? And what is it about their flat supports that would lend itself for the prior inventors to toss

their entirely flat supports away in favor of the instant structure? If there is nothing in the prior art to suggest the answer, then non-obviousness is proven.

Instant invention's bearing is the primary means to accomplish ALL car support and ALL car movement simultaneously using only one element. That is a quite substantial difference and it applies whether that element is a race ("at least one..."), multiple separate bearings or a single bearing, flat or otherwise, that ultimately reduces friction between cars and their trucks.

Simultaneous support, permitting car vs. car motion, and separable connectivity in one device is not found in the prior art and is only claimed in the instant application. The device must be of sufficiently low friction that yard workers can pull articulated cars apart (most probably with the assist of engines, humps and the like) and re-articulate them without resorting to prior art means requiring a shop. The reason for articulating is reducing train dead weight and increasing a train's paying freight and passenger weight. It can also increase train speed. Instant articulation means do streamline railroad operations.

Applicant calls examiner's attention to lines 15, 16 of Claim 1 where it says: "said railcar is separably supported at the juncture of said support plate and said at least one bearing". That is all that needs to be said. There exists no equivalent structure nor is there any objective suggestion in the prior art to modify any structure to obtain the instant structure. Neither is there any motivation to do so. Thus both the requirements for overcoming exact sameness of structure (35 USC 102) and the U. S. Supreme Court's John Deere Test, MPEP 706.02, 2100+, to overcome obviousness (35 USC 103) is satisfactorily met to prove novelty.

In fact, examiner's recitation of multiple pieces of "pertinent" art, by *Deere*, shows that there is no showing of "obviousness" and the instant claims distinguish over the prior art unchanged.

If examiner can show a low-friction, multi-function articulating support in the prior art, then and only then may examiner reject under 102. For an obviousness rejection, examiner, per the U. S. Supreme Court, MPEP 706.02,

2100+, must show either prior art or publication objectively contemplating the possibility of using a low-friction, multi-function articulating support.

See also Claim 10, lines 14-16 and Claim 17, lines 8, 9.

Because of the instant low-friction-element multiple operation, all instant Claims are allowable unchanged. All rejections are traversed. All objections and rejections of dependent claims being dependent upon "rejected base claims" are also fully traversed.

Immediate allowance of the instant claims and the swift passing of the case to issue is respectfully requested.

The already-adjudged-allowable claims 4-5, 9, 11, 14-15 and 20 are still allowable as they do depend upon allowable independent claims.

All claims are patentably distinct and allowable unchanged. The only changes made are for the definiteness objections, not for any prior art rejections. Thus, the examiner is respectfully requested to allow all claims and swiftly pass the case to issue.

Thank you. In propria persona, sui juris,

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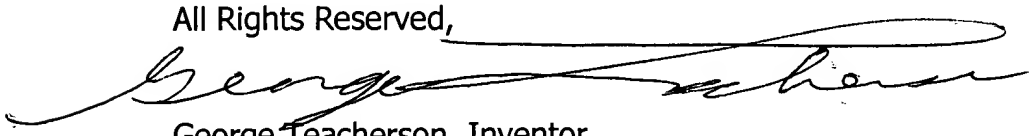

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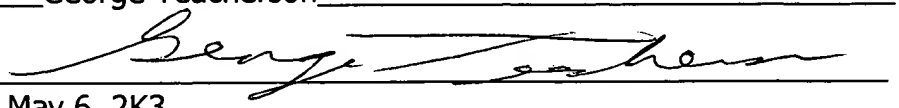
Signature 

Date ____ May 6, 2K3_____